

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

KEITH MARTIN MOLINEAUX, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-12270

JUDGE CHARLES M. VICKERS, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff Keith Martin Molineaux, Jr.'s Application to Proceed Without Prepayment of Fees (ECF No. 1) and Complaint (ECF No. 2). By Standing Order entered February 7, 2014, and filed in this case on March 13, 2014, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation (PF&R). Magistrate Judge Tinsley filed his PF&R (ECF No. 4) on December 22, 2016, recommending that this Court **DENY** Plaintiff's Application to Proceed Without Prepayment of Fees and **DISMISS** Plaintiff's Complaint.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need


not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due on January 9, 2017. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R (ECF No. 4), **DENIES** the Application to Proceed Without Prepayment of Fees (ECF No. 1), **DISMISSES** the Complaint (ECF No. 2), and directs the Clerk’s Office to remove this case from the docket. A separate Judgment Order will enter this day implementing the rulings contained herein.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 18, 2017



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE